

REMARKS

Applicant respectfully requests consideration of the subject application.

As a preliminary matter, In the Office Action mailed September 13, 2004, the Examiner did not indicate that the Other Documents on the PTO-1449 form mailed August 28, 2002 were considered and made of record by initialing the corresponding box on the PTO-1449 form. The Examiner also did not indicate that these references were not in conformance with MPEP 609. As such, applicant respectfully requests that the Examiner indicate that these references have been considered and made of record.

Claims 1 and 42 have been objected to by the Examiner for reasons connected to grammar. Amendments suggested by the Examiner have been made. As such, applicant respectfully requests removal of the objection.

Claims 1 – 34 and 40 – 50 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,319,542 to King et al. (hereinafter “King”) in view of U.S. Patent 5,758,327 to Gardner (hereinafter “Gardner”) and further in view of U.S. Patent 5,315,504 to Lemble (hereinafter “Lemble”) and further in view of a Google newsgroup entry “BCPO and EDI” posted 07/19/1996 by Dan Cotto-Thorner, downloaded from the Internet 08/03/2004 (hereinafter “BCPO”).

Claims 1, 2, 40, 42, and 46 have been amended. The amendments are supported by the specification and no new matter has been added. No claims have been canceled or added. As such, claims 1 – 34 and 40 – 50 remain pending in this application. Applicant reserves all rights with respect to the application of the doctrine of equivalents.

Rejections Under 35 U.S.C. § 103(a)

Claims 1 – 34 and 40 – 50 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over King in view of Gardner, Lemble, and BCPO. Applicant respectfully

submits that claims 1 – 34 and 40 – 50 are patentable over King, Gardner, Lemble, and BCPO.

King discloses a system for electronically ordering items from suppliers. In particular, King includes the following disclosure:

When items are selected from the Catalog, the requisition is prefilled with required data and only minimal additional data will be needed. If a non-catalog item is to be purchased, the Buyer will keyboard in the required data to complete the transaction. *Once the requisition has been approved (if required), it will then be processed through the company's procurement system and a Purchase Order will be electronically sent to the Supplier (Block 316).*

(emphasis added) (King, col. 6, lines 10 – 15).

As such, King discloses no decision making process to choose a preferred ordering method other than through a purchase order.

Gardner discloses an electronic requisition method. In particular, Gardner includes the following disclosure:

If approval is received during the authorization process at step 54, an appropriate number of purchase orders is formed at step 76. In operation, an approved request can migrate into a company-specific business application server or can become part of the service of the central computer system 10. *If the purchasing is to take place by means of the central computer system, the determination of the appropriate number of purchase orders may be made using the same factors described above with reference to the number of sub-requisitions within a requisition folder.* Thus, there may be a separate purchase order for each requested item, or the number may be based upon other factors, including the number of vendors from whom items are to be ordered, the expense types of the items, and whether each item is taken from the stored electronic catalog or is a non-catalog item.

(emphasis added) (Gardner, col. 9, lines 3 – 14)

As such, there is also no decision making process in Gardner to choose a preferred ordering method other than through a purchase order.

Lemble discloses an electronic form library for selecting a form and submitting that form for approval. In particular, nothing in Lemble discloses that the form library is part of an ordering system for operating resources. As such, Lemble fails to disclose a decision making process to choose a preferred ordering method.

BCPO discloses a method for purchasing office supplies by placing the suppliers' in local databases to allow users to order items using an in-house application. In particular, BCPO includes the following disclosure:

The user orders what they want from any catalog they are authorized to buy from, **a PO is automatically created in our purchasing system**, and EDI PO transactions are sent to the suppliers 4 times per day.

(emphasis added) (BCPO, page 1)

As with King, Gardner, and Lemble, nothing BCPO discloses or suggests a decision making process to choose a preferred ordering method other than through a purchase order.

Applicant respectfully submits that King, Gardner, Lemble, and BCPO do not teach or suggest a combination with each other. It would be impermissible hindsight, based on applicant's own disclosure, to combine King, Gardner, Lemble, and BCPO. The Examiner has stated the following:

As previously noted, "electronic receipt" does not appear in the disclosures, but applicant appears to uses the term "desktop receipt" to describe how users may acknowledge that they have received goods they requested. The terms "electronic receipt" and "desktop receipt" will be given their broadest reasonable interpretation to include any electronic form or message used to acknowledge that goods and services have been received.

King discloses a system that generates purchase requisition records (Col. 2, lines 20-67). The purchase request may be generated according to combination of input from a requestor and information concerning an item being purchased stored in a database (see at least Col. 4, line 47-Col. 5, line 30). King determines approval path for purchase requisition according to approval rules (Col. 6, lines 1-30). King provides an entire process, from preparing catalogs to receipt of orders. On a

computer system such as King's, receipts are often called electronic receipts.

King, Gardner and Lemble do not use the term "electronic receipt" or "desktop receipt". It was well known to one of ordinary skill that users often acknowledge that they have received goods or services at various points in a requisition process by notifying appropriate persons. While the notifications may be in paper form, on a computer system it may be more convenient to issue the notification in electronic format, perhaps via email, fax. Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to include electronic "receipts" or "desktop receipts." One of ordinary skill at the time the invention was made would have been motivated to include electronic "receipts" or "desktop receipts" for the obvious reason that in accounting, such receipts are a common, ordinary item in everyday business. As previously explained, in financial accounting, such notices are valuable, for example, in auditing a company's books by accountants. In managerial accounting, such notices and acknowledgments are important to let managers evaluate their requisition process. By using well-known checks and balances, managers may prevent theft, embezzlement or payments for non-existent goods that would otherwise be noted as assets on their balance sheets. Receipts, including electronic receipts, permit companies to supervise the various actors in a requisition process. The concept is further shown by *BCOP* and *EDI*, which specifically discloses "desktop delivery" and that there is no manual receipt transaction~ entered when goods are delivered, page 2. King discloses generating a requisition, communicating an order to a supplier as a purchase order. Since it's usually important to know where to send a purchase order and who to pay, supplier indicator information may include one or more of the following: a supplier name, postal address, fax number, email address, electronic address, etc. See at least Col. 2, lines 12-64. King discloses creating a supplier profile (see at least Col. 4, lines 47-67). Such profiles are necessarily based on supplier information, and the information is often stored in an enterprise's systems. It is well-known in the art that companies often have lists of preferred suppliers. Thus, a requisition and purchase order system often includes programs and protocols to access data on an ERP system.

As King discloses, approver-specific information is often referred to as personal profiles, in accordance with company specifications. Approval authorities may be changed by administrators or other approvers. Since requisitions are internal to a company, it is common practice to assign a requisition a unique identifier according to a company's accounting system. In addition, it is logical to specify where purchased products are to

be sent. Such instructions may be stored in a database (as in King). Alternatively, authorizations may be input by an approver or requestor, since they usually know why a product is being requested, where the product should be delivered and other details. It is well-known to allow users to update selected profile information. For example, companies often move a person from one office to another, or from one department to another.

Company factories may be relocated or created in different geographical locations." In addition, persons may be promoted and assigned new responsibilities. Persons may also leave a company's employment voluntarily. People may be laid-off, demoted or even fired. It is common practice to prevent access to a system by former employees, and to reassign a person's tasks and responsibilities. Responsibilities may also be time-limited. For example, a person may leave on vacation, maternity leave, or a person may be hospitalized indefinitely. Other well-known ways of guiding approvals include amount-limits, time limits, etc.

While King *does not* specifically disclose how to handle a requisition when an approver has not responded based on a specified time span, limitations by hold time are well known in the art. For example, with Just In Time/JIT inventory systems, time is critical in requisitioning and ordering of products. With JIT, companies attempt to limit the costs associated with storing inventory that is necessary to carry out business. It is obvious that in such systems, it would be dangerous to allow a requisition request to be held up by any approver for longer than specified periods of time. It is obvious to provide alternate approval paths to avoid delays such as when an approver may not be able to approve/deny a requisition within specified time periods. In addition, should there be unexpected jumps or drops in demand for a company's product, it may be equally critical to change hold time parameters accordingly, particularly if the item being ordered is part of a critical path.

King discloses retrieving data from legacy databases (see at least Col. 6, lines 31-62 concerning databases on mainframe systems). Database records inherently include fields. Communication among nodes on a network as described by King inherently take place with programs on sending and receiving ends. These programs and protocols are often referred to as "adaptors." As applicant admits (see at least disclosures, page 43, lines 1-10), well-known adaptors includl3 the Lightweight Directory Access Protocol/LDAP. Adaptors are often identified by names of systems to which they connect. An adaptor connecting a system to an enterprise's Human Resource Management/HRM system, for example, might be referred to as a human resource management system adaptor. As applicant admits, HRM systems and adaptors are well known to one of ordinary skill in the art. King discloses interactions with various databases, including catalog

maintenance and updates (see at least Col. 3, line 60-Col. 5, line 28). While King *does not* specify frequency of interaction with a legacy database, it is obvious that such interactions occur and they may take place on a periodic basis. Inventory needs may vary over time, for example. Orders may include standing orders, also referred to as recurring orders, frequent orders, etc. A supplier's products and their availability may change over periods of time. A supplier might obtain patents on new inventions and may provide products and services that were not previously available. See also king's references to various interfaces (Col. 6, lines 47-58).

King discloses transferring a requisition to an enterprise system (see at least Col 5, line 30-Col. 6, line 30). It is well known in the art that transfers may be performed when a requisition is approved/denied, since approval/ denial of a requisition often needs to be known to multiple parties, often including a requestor and an approver. Changes of status of a requisition and notification of such changes are critical. A requisition system is useless if it is not able to provide such information to duly authorized personnel. It is well-known in art of electronic commerce to provide approval and status indicator(s) so that a computer system may identify the status of a requisition and communicate the status to interested parties. Such indicators may be stored in a database and accessed via global variables (in C or C++ or Java, or any other type of machine instruction). King discloses the use of purchase order numbers that correspond to requisitions (see at least Col. 2, lines 11-64, Col. 5, line 30-Col. 6, line 30). The use of purchase orders and purchase order numbers are well-known. Purchase order numbers are often internal to an enterprise; the purchase order and purchase order number are necessarily generated by an enterprise, often in an ERP system. The information may be retrieved *from* an ERP system, since otherwise the information is useless.

King discloses the use of approval rules to determine the path that a requisition may take according to those rules. King shows that various rules may apply, such as funding, and consequently, specific responsibilities with regard to the ordering process and completion of a requisition (see references to routing and approval tables, and also see also at least Fig. 3 and related text). King discloses roles such as buyer/purchasing agents (see at least 5, line 65-Col. 6, line 30). An entire set of approval relationships may be stored on in such approval rules. Subsets of approval rules may be defined, implicitly and explicitly, according to corporate structure, including divisions, business units, delegation rules, etc. King discloses that requisitions may be approved or not approved by an approver and moved to a next approver according to rules (see at least Col. 5, line 3D-Col. 6, line 30). King discloses the use of databases to store approval rules (see at least Col. 6, lines

16-30). King discloses that different approvers may be involved, according to areas of responsibility, company rules, etc. Various administrators maintain and update approval databases (see at least Col. 6, lines 15-29).

King does *not* specifically disclose that approvals may be determined at least in part by purchase amount. Lemble discloses that approvals may be by purchase amount (**Fig. 14**, and related text, at least col. 27, lines 43-67). Therefore it would have been obvious to one of ordinary skill in the art of electronic commerce at the time the invention was made to combine King and Lemble to disclose determining approvals by purchase amount. One of ordinary skill in the art of electronic commerce at the time the invention was made would have been motivated to combine King and Lemble to disclose determining approvals by purchase amount for the obvious reason that limits by amounts are well known and common. One would want to distribute the burden of approval among various persons in order to avoid bottlenecks in production and to provide a way of inhibiting preventing fraud by requiring multiple approvals. King discloses that approval authority may be identified by a company (see at least Col. 6, lines 16-30). Gardner discloses that an alternate approver may be delegated to authorize requisitions on the basis of amount or item being requisitioned (Col. 8, lines 1..64). Neither King nor Gardner specifically disclose who may request such delegation. However, it is well known in the art that a person may delegate authority to another person for a wide range of purposes and for specified or non-specified periods of time. Delegated tasks may include signing timesheets and approving purchases in his absence. It is common in the art for persons to set up their emails to generate an "on vacation" message and to direct inquiries to another person in their absence. Further, Lemble specifically addresses approver controls and restrictions and access to certain information (see at least Col. 7, lines 1-6, Col. 18, lines 1-6). Therefore, it would have been obvious for one of ordinary skill in the art to combine King and Gardner to include receiving a request from a first approver for delegating the authority of the first approver to a second approver by configuring an approval path handling means to modify the approval path such that the approval path includes the second approver in place of the first approver.

(Office Action dated 09/13/04, pages 3 – 12)

Here, the Office Action merely states an advantage of substituting the methods of King, Gardner, Lemble, and BCPO without explaining what specific understanding or

technological principle within the knowledge of one of ordinary skill in the art would have suggested the combination.

Even if King, Gardner, Lemble, and BCPO were somehow combined, the combination would lack claim 1's limitation of "order generating means for deciding between at least one of a purchase card module, a direct order module, and a purchase order module to submit the requisition for fulfillment by a supplier," as well as claim 40's and claim 46's limitation of "deciding between at least one of a purchase card module, a direct order module, and a purchase order module to submit the electronic requisition form for fulfillment." As discussed above, nothing in King, Gardner, Lemble, or BCPO discloses or suggests choosing between multiple order modules to fulfill an order. As such, applicant respectfully submits that claims 1, 40, and 46 are patentable over King, Gardner, Lemble, or BCPO under 35 U.S.C. § 103(a) and requests removal of the rejection. Given that claims 2 – 34 are dependent to independent claim 1, and add limitations, claims 2 – 34 are also patentable over King, Gardner, Lemble, or BCPO under 35 U.S.C. § 103(a). Given that claims 41 – 45 are dependent to independent claim 40, and add limitations, claims 41 – 45 are also patentable over King, Gardner, Lemble, or BCPO under 35 U.S.C. § 103(a). Given that claims 47 – 50 are dependent to independent claim 46, and add limitations, claims 47 – 50 are also patentable over King, Gardner, Lemble, or BCPO under 35 U.S.C. § 103(a).

If the allowance of these claims could be facilitated by a telephone conference, the

Examiner is invited to contact Suk Lee at (408) 720-8300. If there are any additional charges, please charge our Deposit Account No. 02-2666.

Respectfully submitted,

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